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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

Adalberto Uballe,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:25-cv-00175-KES-GSA

**STIPULATION FOR THE AWARD  
AND PAYMENT OF ATTORNEY  
FEES AND EXPENSES PURSUANT  
TO THE EQUAL ACCESS TO  
JUSTICE ACT; ORDER**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of ONE THOUSAND SEVENTY DOLLARS AND 32/100 (\$1,070.32) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of four hundred and five dollars (\$405.00) under 28 U.S.C. §1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

1 Plaintiff was the prevailing party in this matter and Plaintiff is an individual  
2 whose net worth does not exceed \$2,000,000 at the time the civil action was filed.

3 After the Court issues an order for EAJA fees to Plaintiff, the government will  
4 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney.  
5 Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this  
6 Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program  
7 (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to  
8 Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order,  
9 the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to  
10 his attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset  
11 under the Treasury Offset Program, and (3) agrees to waive the requirements of the  
12 Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney,  
13 JONATHAN O. PEÑA-MANCINAS at the firm, PEÑA & BROMBERG, PC.  
14 However, if there is a debt owed under the Treasury Offset Program, the Commissioner  
15 cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining  
16 EAJA fees after offset will be paid by a check or electronic fund transfer (EFT) made  
17 out to Plaintiff, but delivered to Plaintiff's attorney, JONATHAN O. PEÑA-  
18 MANCINAS at the firm, PEÑA & BROMBERG, PC.  
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20 This stipulation constitutes a compromise settlement of Plaintiff's request for  
21 EAJA attorney fees, and does not constitute an admission of liability on the part of  
22 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute  
23 a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel  
24 including Counsel's firm may have relating to EAJA attorney fees in connection with  
25 this action.

26 The parties further agree that the EAJA award is without prejudice to the right of  
27 Plaintiff's attorney to seek attorney fees pursuant to Social Security Act § 206(b), 42  
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1 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. §  
2 2412(c)(1) (2006).

3 Respectfully submitted,  
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5 Dated: July 16, 2025

/s/ Jonathan O. Peña

6 JONATHAN O. PEÑA

7 Attorney for Plaintiff

8 Dated: July 16, 2025

MICHELLE BECKWITH

9 Acting United States Attorney

10 MATHEW W. PILE

Associate General Counsel

11 Office of Program Litigation

12 Social Security Administration

13 By: \* Angela Thornton-Millard

14 Angela Thornton-Millard

Special Assistant U.S. Attorney

15 Attorneys for Defendant

16 (\*Permission to use electronic signature  
17 obtained via email on July 16, 2025).  
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**ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

**IT IS ORDERED** that fees and expenses in the amount of ONE THOUSAND SEVENTY DOLLARS AND 32/100 (\$1,070.32) and costs in the amount of four hundred and five dollars (\$405.00) under 28 U.S.C. §1920, as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: July 17, 2025



UNITED STATES DISTRICT JUDGE